

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CAROLYN W.,	:	Case No. 3:20-cv-00423
	:	
Plaintiff,	:	
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
COMMISSIONER OF THE SOCIAL	:	
SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

This case is before the Court on Plaintiff's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. (ECF No. 21.) The Commissioner did not file a memorandum in opposition and the time to do so has now expired.

Plaintiff seeks an award of attorney fees under the EAJA in the amount of \$5,425.27. (ECF No. 21 at PageID 772.) Plaintiff's Motion and supporting documents establish that she is entitled to an award of attorney fees under the EAJA for the total amount that she seeks. (ECF Nos. 21, 22.) For good cause shown, and in the absence of opposition by the Commissioner, Plaintiff's Motion is GRANTED.

The attorney fees awarded under the EAJA belong to Plaintiff, and not her attorney, and can be offset to satisfy pre-existing debt that Plaintiff owes the United States under *Astrue v. Ratliff*, 560 U.S. 586 (2010). After the Court enters this award, if

counsel for the parties can verify that Plaintiff owes no pre-existing debt subject to offset, Defendant shall pay Plaintiff's EAJA award directly to Plaintiff's attorney pursuant to the EAJA assignment duly signed by Plaintiff. (ECF No. 22-9 at PageID 893.)

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion for Attorney's Fees Pursuant to the EAJA (ECF No. 21) is **GRANTED**;
2. The Commissioner shall pay Plaintiff's attorney fees under the EAJA in the amount of \$5,425.27;
3. Counsel for the parties shall verify, **within thirty days of this Decision and Entry**, whether Plaintiff owes a pre-existing debt to the United States subject to offset. If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff; and
4. The case remains terminated upon the Court's docket.

IT IS SO ORDERED.

s/Caroline H. Gentry
Caroline H. Gentry
United States Magistrate Judge